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Attorney for Plaintiff  
WAYNE BERRY

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JAN 03 2006  
at \_\_\_\_\_ o'clock and \_\_\_\_\_ min. \_\_\_\_\_ M  
SUE BEITIA, CLERK

**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

|  |   |                                   |
|--|---|-----------------------------------|
| WAYNE BERRY, a Hawaii citizen;         | ) | Civ. No. CV03 00385 SOM-LEK       |
|  | ) | (Copyright)                       |
| Plaintiff,                             | ) |                                   |
|  | ) | <b>NOTICE OF MOTION;</b>          |
| vs.                                    | ) | <b>PLAINTIFF WAYNE BERRY'S</b>    |
|  | ) | <b>MOTION IN LIMINE TO</b>        |
| HAWAIIAN EXPRESS SERVICE,              | ) | <b>EXCLUDE EVIDENCE OF MR.</b>    |
| INC., a California corporation; et al. | ) | <b>BERRY'S ALLEGED</b>            |
|  | ) | <b>VENDETTA; DECLARATION OF</b>   |
|  | ) | <b>TIMOTHY J. HOGAN; EXHIBITS</b> |
|  | ) | <b>"A" TO "C"; CERTIFICATE OF</b> |
|  | ) | <b>SERVICE</b>                    |
| Defendants.                            | ) |                                   |
|  | ) | Hearing:                          |
|  | ) | DATE: January 20, 2006            |
|  | ) | TIME: 2:00 p.m.                   |
|  | ) | JUDGE: Hon. Susan Oki Mollway     |
|  | ) |                                   |
|  | ) | Trial Date: January 24, 2006      |
|  | ) |                                   |

**NOTICE OF HEARING**

TO: LEX R. SMITH, ESQ.  
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C&S Logistics of Hawaii, LLC,  
C&S Acquisitions, LLC, ES3, LLC  
and RICHARD COHEN

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ALIX PARTNERS, LLC

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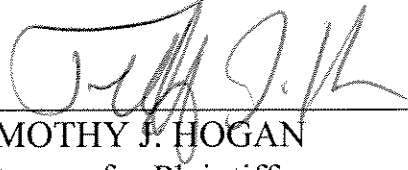
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Attorneys for Defendant  
ALIX PARTNERS, LLC

NOTICE IS HEREBY GIVEN that Plaintiff Motion *In Limine* to Exclude Evidence of Mr. Berry's Alleged *Vendetta* shall come on for hearing before the Honorable Susan Oki Mollway, United States District Judge of the above-entitled Court, in her courtroom in the United States District Court, 300 Ala Moana Boulevard, Honolulu, Hawaii 96813 on January 20, 2006 at 2:00 p.m., or as soon thereafter as counsel can be heard.

Dated: Honolulu, Hawaii, JAN 3 2006.

A handwritten signature in dark ink, appearing to read "Timothy J. Hogan", is written over a horizontal line.

TIMOTHY J. HOGAN  
Attorney for Plaintiff  
WAYNE BERRY